

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 25664 of 2015 (O&M)
Date of Decision: 09.11.2016**

Tejinder Singh

..... Petitioner

Versus

Punjab State Power Corporation Limited and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Roshan Lal Sharma, Advocate
for the respondents.

JASWANT SINGH, J. (ORAL)

Petitioner-Tejinder Singh, while working as Assistant Lineman with the Punjab State Power Corporation Limited (PSPCL), was issued a charge-sheet dated 05.09.2012 (**Annexure P-6**) with the allegations that he was responsible for theft of electricity from the electric meter installed at the house of his father. The Enquiry Report dated 18.07.2013 (**Annexure P-10**) held the petitioner guilty of the alleged charges, resulting into imposition of the major penalty of '*dismissal from service*' vide order dated 07.05.2014 (**Annexure P-13**).

The petitioner filed Statutory Appeal (**Annexure P-14**) raising three factual issues, which have been totally ignored while passing a non-speaking and cryptic impugned appellate order dated 24.02.2015 (**Annexure P-15**).

Learned counsel for the petitioner contends that the non-speaking, cryptic impugned appellate order dated 24.02.2015 (**P-15**) passed without any reasons, deserves to be set aside being in violation of the settled principle of law as laid down by the Hon'ble Supreme Court in case S. Ramanathan Versus The Chief Judicial Magistrate, Chengalpattu 2002 (10) SCC 473 and Ram Chander Versus Union of India and Others 1986(3) SCC 103. Reliance is also placed on the judgment of this Court passed in case Om Parkash and another Versus Government of India and others 2004 (5) PLR 340 as well as the Hon'ble Bombay High Court in case Anil Amrut Atre Versus District and Sessions Judge and another 2003(1) SLR 423. He, thus, submits that the order needs to be remanded back to the Appellate Authority.

On the other hand, learned counsel for the respondents does not contest the proposition laid down in the above cited judgments, however, half-heartedly has tried to defend the appellate order.

After hearing learned counsel for the parties and perusing the the impugned appellate order dated 24.02.2015 (**P-15**), it is apparent that the present petition is liable to be allowed as in the impugned appellate order **P-15**, concededly, no reasons whatsoever have been given, let alone dealing with the factual contentions raised by the petitioner in his Statutory Appeal. It is well settled that the Appellate Authority is under an obligation to record reasons for its decision as concededly laid down in the aforesaid cited judgments. That being the position, the impugned appellate order dated 24.02.2015 (**P-15**) cannot be sustained.

Accordingly, in view of the above, the appellate order 24.02.2015 (P-15) is set aside with the directions that the Appellate Authority, after giving due opportunity to the petitioner to present his case or even supplement his grounds, shall pass a fresh speaking order.

The petitioner is directed to appear before the Appellate Authority on **15.12.2016**.

November 09, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes
Whether Reportable	No